

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES PETTUS,

Plaintiff,

-against-

JACQUELINE FRANCIS., et al.,

Defendants.

1:25-CV-3974 (LTS)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff James Pettus, who is not currently incarcerated, filed this action *pro se*, seeking to proceed *in forma pauperis* (“IFP”). In a judgment dated February 4, 2005, and entered on February 24, 2005, however, the court barred Plaintiff, when not a prisoner, from filing future civil actions in this court without first obtaining from the court leave to file.¹ *See Pettus v. Clarke*, 1:05-CV-1439, 5 (MBM) (S.D.N.Y. Feb. 4, 2005) (electronic docket entry, citing 28 U.S.C. § 1651), *appeal dismissed as frivolous*, No. 05-1314 (2d Cir. Sept. 29, 2005) (electronic docket entry). Plaintiff files this new civil action in this court and seeks IFP status, but he has not sought leave from the court to file this action. The Court therefore dismisses this action without prejudice due to Plaintiff’s failure to comply with the court’s February 4, 2005 judgment in *Pettus*, 1:05-CV-1439, 5.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

¹ That same judgment recognized Plaintiff as barred, under 28 U.S.C. § 1915(g), from filing federal civil actions IFP, while he is a prisoner, unless he is under imminent danger of serious physical injury.

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reason set forth in this order.

SO ORDERED.

Dated: June 6, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge